



November 18, 2010

Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

Re: Political Reform Act Task Force

Dear Task Force Members:

The California Broadcasters Association (CBA) is the trade group representing the over 1000 radio and television stations in the state. We note the hard work that has gone into preparing the reform proposals and appreciate the opportunity to express our position on Other Disclaimers – Sender ID and Advertisement Disclosure (Topic Area Members – John Marelius and Hyla Wagner).

First, we enthusiastically support Aim #2 stated on the first page: “Disclaimer rules should reflect the First Amendment and practical limitations on the amount of space disclaimers can take up on political committee ads.” Disclaimers must be sensitive not only to reasonable guidelines for space, but also for time.

The CBA has a long history of working with the Commission on disclosures in radio and television advertisements. Current disclosure regulations compromise radio’s ability to compete for political advertising because they must vocalize every word. The disclosures can now require up to 50% of a 30-second spot, often forcing campaigns to move their message to another medium. Our Field Poll of voters taken in 2006 graphically demonstrated this point: while 83% of those voters listened to radio, over 75% of them had never heard a ballot ad.

As we try to add more disclosures to advertising content such as requiring additional names of donors, adding website addresses, inserting FPPC numbers, etc., the space and time problems for all media are magnified - but in varying ways and intensity. Disclosure regulation is already tilting the competitive landscape. The tendency by campaigns to “format shop” and select the media to use by the impact of disclosure requirements will dramatically increase.

The Commission can continue to cram every "wish-list" disclosure into ads with separate standards for each form of media or they can develop a method in which the best of all worlds occurs: unlimited disclosures with a common statement in all media formats.

The FFPC has resolved the space problem for disclosures in electronic messages by:

1. Exempting the ad from disclosures [18450.1 (b)(3)(A&B)], or
2. Authorizing a substantially abbreviated disclosure and, when technologically possible, a link to the webpage on the Secretary of State's website [18450.4 (b)(3)(G)(iv)].

For the first time, required disclosures can be listed outside the ad itself. Now that the Commission has adopted a precedent-setting regulation that involves a linkage to the Secretary of State's office, there is no reason why all advertising disclosures cannot be treated in the same fashion.

We would propose that Alternative 4D offers an equitable regulatory route and a method least offensive to the First Amendment in furthering all three of the "Aims" listed on page one. In the past, the CBA has suggested that the Secretary of State establish a single phone number and website dedicated to full advertising disclosure. Something as simple as 1-800-Cal-Voter that will remain constant from one election to the next. Each campaign advertiser (or ad) could have a short, unique number that would be in every print, broadcast or electronic ad. A voter would enter that number on their telephone keypad (or into a field on the Secretary of State's web site) and it would connect them to any disclosure the Commission chose to require.

This is not the only way the goals of better identification of the true source of political communication and leveling the media playing field can be accomplished. But it suggests there are viable alternatives to the tangled regulatory patchwork being developed. It offers a simplified and equitable approach that increases the critical information voters need to make informed decisions.

We would be happy to discuss this concept in detail with the Task Force members.

Sincerely,



Stan Statham
President/CEO